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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM ROBERT KELLER,

Defendant and Appellant.

A107199

(San Mateo County
Super. Ct. No. SC55416)

Defendant appeals from a judgment of conviction entered after a plea of nolo contendere to two counts in an amended information. Defendant's counsel has briefed no issues and asks this court to review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We have reviewed the record and there are no issues to brief or argue.

At 11:30 p.m. on November 7, 2003, defendant with several passengers in his car fled after a sheriff's traffic stop, and tried to elude a pursuing San Mateo County Sheriff's car that activated its siren and flashing lights. He then drove at a high rate of speed through city streets, ran a stop sign, and drove against traffic. The chase ended when he stopped the car and fled into his house. After he was arrested, he failed a sobriety test and was found to have a .13 percent blood-alcohol level. He had a prior conviction for driving under the influence, and for a 1994 second degree robbery. Confronting a six count information with a probation ineligibility and prior strike allegations, defendant changed his plea to nolo contendere to a violation of Vehicle Code section 2800.2, a

felony, and to a violation of Vehicle code section 23152, subdivision (b), a misdemeanor. He admitted the strike allegation, Penal Code section 1170.12, subdivision (c)(1), and the probation ineligibility allegation, Penal Code section 1203, subdivision (e)(4). The plea agreement left the sentencing open with the possibility of a maximum of 32 months. After an extensive sentencing hearing, the court sentenced defendant to 32 months in state prison. The court explained why probation was denied and why the *Romero* motion was denied. (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.)

Defendant requested, but did not obtain an order of probable cause for his appeal (Pen. Code, § 1237.5.). The record does not support defendant's stated grounds that he did not realize that he could be sentenced to 32 months in state prison rather than to a treatment program that he entered pending sentencing.

Defendant was fully advised of his rights and the consequences of his plea, and signed a waiver form. His attorney competently represented him at all stages of the proceedings. There was no error in the sentence imposed.

The judgment is affirmed.

Marchiano, P.J.

We concur:

Stein, J.

Swager, J.